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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	AMENDMENT AND RESPONSE TO
SCHIAVO ET AL.)	PAPER MAILED 11/30/2005
)	
Serial No.:	09/870,117)
)	
Filing Date:	May 30, 2001)
)	Date Mailed: <u>March 28, 2006</u>
Attorney Docket No.:	CLX-602)
)	Examiner: LEVY, Neil S.
)	
Title:	LIQUID EMANATOR)
	DEVICE TO DELIVER SELF-)
	SUSPENDING INSECTICIDE)
	DROPLETS)
)	Group Art Unit: 1616

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AND RESPONSE TO PAPER MAILED 11/30/2005

Dear Sir:

Applicant is in receipt of the OFFICE ACTION mailed November 30, 2005. Thank you for your expedient attention to these matters.

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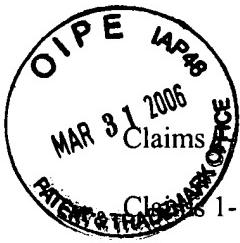
AMENDMENT AND RESPONSE TO PAPER MAILED 11/30/2005

Date Filed: May 30, 2001

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Page 1 of 12

Title: **:LIQUID EMANATOR DEVICE TO DELIVER
SELF-SUSPENDING INSECTICIDE DROPLETS**
Serial No.: 09/870,117
Attorney Docket No.: CLX-602 (470.136A)
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STATEMENT OF CLAIMS STATUS

Claims 10 and 22 are pending in the application.

Claims 1-10 and 22 are rejected.

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Page 2 of 12

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SUMMARY OF RESPONSE

1. The Examiner states: "Applicants traversal of the species requirement is accepted; the requirement is withdrawn."

Claims Rejection - U.S.C. § 103

2. The Examiner states: "Claims 1-10,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over AgrEvo or Denen et al. WO 0051747 in view of van der Heyden 5000383
The rejection is maintained."
3. The Examiner states: "Applicant's arguments filed 8/31/05 have been fully considered but they are not persuasive. Applicant's arguments are to the effect that the cited art is not like a bubble jet, as is claimed. Although the cited art did not say bubble jet type, pictures & description are seen by this examiner as bubble jet like, 7 as the art has the insecticide, meets the instant temperature & other requirements, we see no physical, functional or effects differences of the instant claimed & prior art emanator's."

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Page 3 of 12

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